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LONG RANGE PLANNING ISSUE PAPER NO. 2015-01A

North Cooper Mountain Land Use Planning: Issues and Options

Issue

The City of Beaverton recently completed the South Cooper Mountain Concept Plan (Concept Plan), which includes the South Cooper Mountain Annexation Area (SCMAA), Urban Reserve Area 6B (Urban Reserve), and North Cooper Mountain (*Figure 1*). The Concept Plan includes land use, transportation and natural resource recommendations for the above three areas pursuant to Title 11 of Metro's Urban Growth Management Functional Plan. Title 11 guides local planning efforts in the preparation of *concept plans* for urban reserves and the more detailed and comprehensive *community plans* required for areas recently added to the UGB.

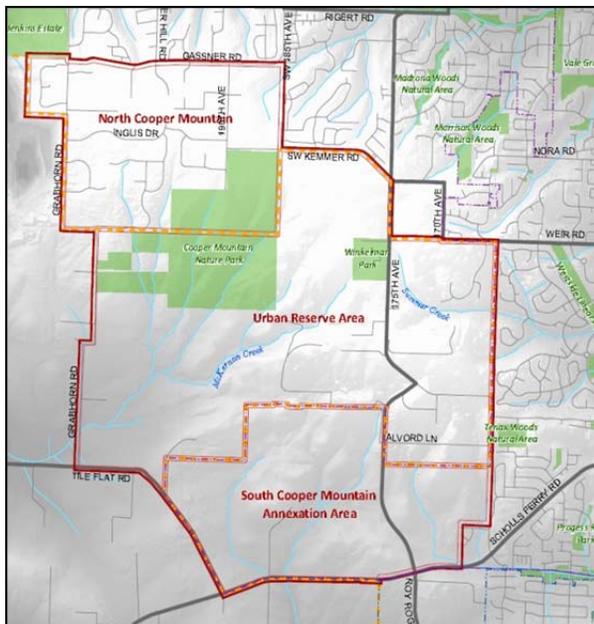


Figure 1

Currently, planning for the Urban Reserve is complete until such time as the area is added to the UGB. Planning for South Cooper Mountain is also complete, with Beaverton's adoption of both the Concept Plan and Community Plan for the area. For North Cooper Mountain, adoption of a community plan remains.

During the concept planning process, potential amendments were drafted specific to North Cooper Mountain that reflect the land use, transportation and natural resource recommendations of the Concept Plan. These included changes to the Comprehensive Framework Plan, the Aloha-Reedville Community Plan (which includes North Cooper Mountain) and the Community Development Code.

This Issue Paper discusses policy issues and timing questions specific to North Cooper Mountain **community planning and natural resources planning**. This discussion is presented to allow for potential action by the Board of Commissioners on substantive questions as well as timing relative to this year's Work Program. Issues and options related to **transportation** are presented in the accompanying Issue Paper No. 2015-01B.

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Recommendation

Upon deliberation of land use and natural resource options for North Cooper Mountain, provide direction to staff. Staff's preliminary recommendation is not to consider a land use ordinance in 2015. As part of next year's Work Program, staff recommends the Board consider any public input on the land use options and seriously consider leaving the area FD-20 as a holding zone until the area eventually annexes to Beaverton or until there is significant interest from property owners to develop.

Background

Title 11 of Metro's Urban Growth Management Functional Plan requires concept plans for urban reserve areas outside the UGB and more detailed comprehensive planning for areas newly added to the UGB. Concept plans are non-regulatory documents designed to inform the necessary specifics required in community planning. Concept plans generally provide a relatively broad context in the identification of transportation, housing, and resource preservation needs. Specific uses are mapped generally across particular locations.

Community plans and other elements of the Comprehensive Plan, on the other hand, ensure that areas are urbanized efficiently through more detailed descriptions and mapping. They also include supporting documents that refine agreements specific to urban service provision, funding options, and implementation strategies. Land use designations and transportation networks are described and mapped, the number and types of housing units is determined, and areas are set aside for the provision of public uses such as parks and schools. Metro typically requires community planning to be completed within two years of being added to the UGB.

South Cooper Mountain Concept Plan:

Metro Ordinance No.11-1264B added the SCMAA into the UGB and directed the City of Beaverton, with county support, to lead concept planning for the SCMAA and the Urban Reserve. The inclusion of North Cooper Mountain as part of the concept planning area was formalized in a February, 2013 Intergovernmental Agreement between Beaverton and Washington County. Combining these three areas into one concept planning area recognized the need to holistically plan for transportation, residential development, and natural resource considerations for the entire south slope of Cooper Mountain.

During the 18-month planning effort, Beaverton received extensive input from residents of Cooper Mountain and nearby areas that helped shape the project focus and guided eventual recommendations. Citizen and Technical Advisory Committees developed proposals and considered input from a visioning workshop, three open houses, and multiple community meetings. The city, with technical input from county staff and service provider representatives, completed the Concept Plan in autumn, 2014 (Figure 2).

During this time, the city was also preparing the South Cooper Mountain Community Plan for the SCMAA. Both the Concept Plan and Community Plan were approved by the Beaverton City Council in January 2015.

The transition to the county to undertake community planning for North Cooper Mountain was marked by an open house on October 29, 2014. Seventy-five people attended this event and provided input to staff on transportation improvements for the Concept Plan area and land use and resource recommendations specific to North Cooper Mountain. Prior to the open house, an active website was established for North Cooper Mountain that includes links to FAQs, a transportation overview, Concept Plan background and updates, and interactive opportunities for the public to comment. The website continues to be updated when relevant.

Concept Plan Acknowledgement:

On January 20, 2015, the Board of Commissioners acknowledged the South Cooper Mountain Concept Plan through Resolution and Order 2015-4. At that time, Board members expressed concern regarding certain proposed transportation system improvements in the Concept Plan area. These are addressed in Issue Paper 2015-01B. At prior Board briefings on the Concept Plan, the commissioners also raised questions on the need and timing for changing land use designations in North Cooper Mountain.

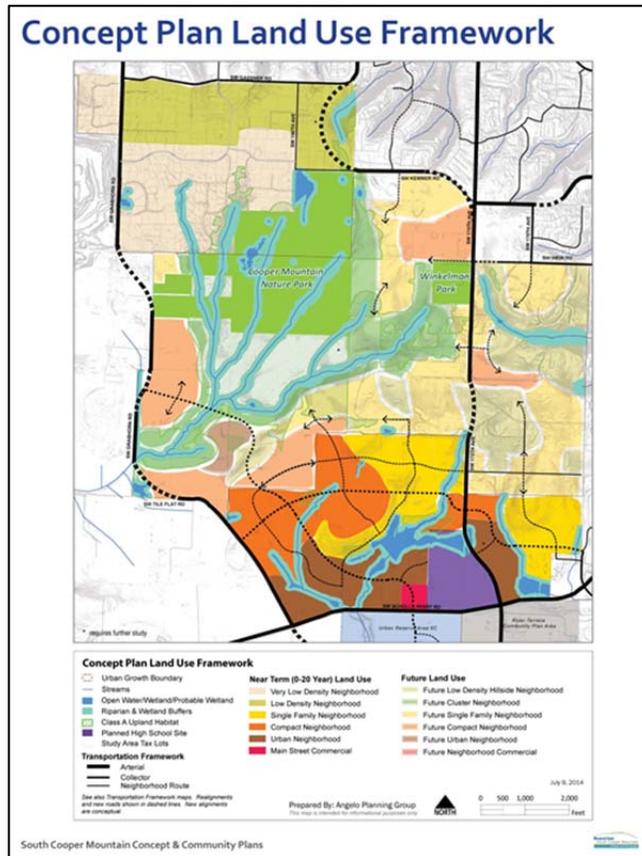


Figure 2

North Cooper Mountain – planning history:

The roughly 510-acre North Cooper Mountain area was brought into the UGB in 2002. At that time, concept planning – and the planning methodology intrinsic to that process – was not a requirement of Title 11. Community planning, however, *was* required of newly added areas to the UGB but was never initiated for North Cooper Mountain. The only planning that was done for North Cooper Mountain was limited to the application of the Future Development 20-Acre District (FD-20) adopted in 2004 through B-Engrossed Ordinance No. 615. The FD-20 is an urban land use district that allows for limited interim uses until comprehensive planning for future urban development can occur. Additional context on the FD-20 District is found below in the Analysis section of this report.

Analysis

The planning issues for North Cooper Mountain concern both policy issues and questions on timing of potential amendments. Regional and county plan policies call for more intensive forms of residential development now that concept planning is complete, yet the majority of residents wish to maintain the existing residential condition. Annexation and application of Beaverton’s urban zoning is many years away, leaving the county as the jurisdiction responsible for

addressing land use issues in the near to mid-term. When these changes occur and to what extent are issues for the county to decide in the near future.

The county remains engaged with Beaverton and appropriate service providers in addressing these issues and in coordinating the recommendations contained in the Concept Plan.

North Cooper Mountain - Land Use Considerations:

At the time of inclusion in the UGB, North Cooper Mountain was mostly built out with single-family homes on lots of at least one acre. Some lots west of Grabhorn Road and in what is now the Corrine Heights neighborhood were platted but not yet developed. Some agricultural use was present, including Cooper Mountain vineyards (*Figure 3*). Aside from new home development on the platted lots, the land use pattern has generally remained unchanged.

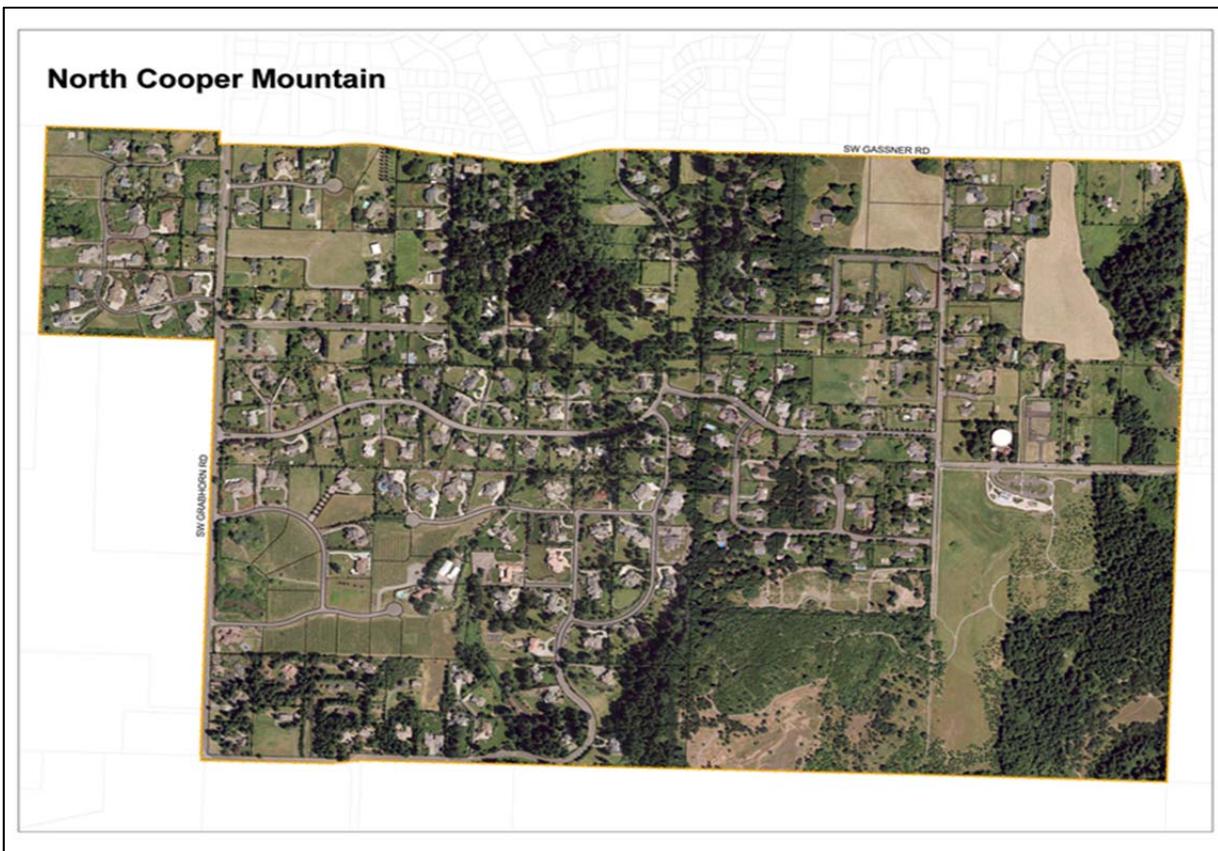


Figure 3

Three options for the Board to consider regarding future land use designations within the North Cooper Mountain area are:

Option 1: Apply two low density land use designations as recommended in the Concept Plan.

This option reflects the land use recommendation of the Concept Plan through the application of a low density designation for the northern third of North Cooper Mountain and a very low

density designation for the southern two thirds and the residential area west of Grabhorn Road. Specifically, the county's R6 land use designation (Residential - 6 Units Per Acre) would be applied to the northern third and a new low density urban land use designation – R1-CM (Cooper Mountain Residential – 1 Unit Per Acre) would be applied to the remaining area (*Figure 4*).

Applying the R6 designation to the northern third would match the surrounding land use designation of existing properties adjacent to the planning area to the north and east. It would allow for a limited increase in density while increasing the variety of housing types and price points for residential development in this area of the county. The northern third has some remaining developable land, is readily served by sanitary sewer, and has slightly smaller lots on average compared to the southern area.

In contrast, the southern two-thirds and western portions of North Cooper Mountain are mostly developed with large homes on tax lots of one acre or more. The potential for future residential infill or redevelopment in the southern two thirds is significantly constrained for the foreseeable future due to the difficulty of developing an urban sewer system.

Due to topographical constraints, future sewer provision to this southern portion of the area is likely to originate from the adjacent Urban Reserve immediately to the south. The provision of sewer infrastructure inside the Urban Reserve is unlikely until that area is included inside the UGB. The design and funding of this infrastructure and the necessary pump station required to serve both the Urban Reserve and the southern area of North Cooper Mountain are still years away from funding and design.

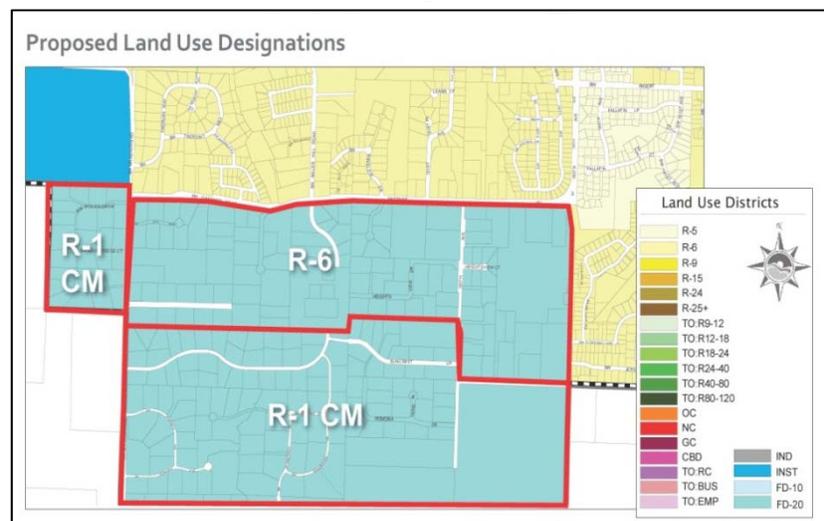


Figure 4

To address these conditions, the possibility of adopting a new lower density land use designation was explored. A new one-acre minimum lot size land use designation for this area would reflect these existing conditions. If a new land use designation were to be adopted, staff recommends that it only apply to this area, under these specific circumstances, and would not apply county-wide. As such, it is proposed as the R-1 Cooper Mountain District (R-1 CM).

Staff believes there is strong support from area residents in the proposed R1-CM District for this new land use designation. Some residents of this area have been involved in the concept planning process from the beginning and have consistently advocated for a permanent one-acre district such as the R1-CM District.

Alternatively, support for the R6 designation among residents who would receive that land use designation is mixed. Many residents have expressed their desire for no additional residential

infill, which the R6 would allow. This area can be easily provided with urban-level services; however, there are a large number of one-acre parcels with relatively large dwellings. Much of this area does not look very different from the southern two-thirds. Residents of this potential R6 area have questioned staff why their area cannot be included in a one-acre land use district.

Conversely, several residents have informed staff that they would redevelop their land if they could. It is likely that other residents may wish to redevelop their properties as well.

Land brought into the UGB is intended to support urban levels of development to the extent possible. This is intrinsic to the requirements of Metro's Title 11 and is addressed in four Plan Policies of the county's Comprehensive Framework Plan for the Urban Area.¹ This mix of R6 and R1-CM District attempts to balance the county's responsibility to allow for urban densities in urban areas and the desire of residents to maintain existing neighborhood conditions by essentially leaving the southern two-thirds of the area unavailable for infill and applying the county's low density land use designation in the northern third, which would allow *some* new residential development.

In tandem with county staff, the project consultant has crafted development code regulations for the proposed new R1-CM District that generally mirror the allowed uses in the county's lowest density land use districts. Applicable amendments to the Aloha-Reedville-Cooper Mountain Community Plan have also been drafted.

Metro staff recognizes the unlikelihood of North Cooper Mountain attaining similar residential densities as other urban unincorporated areas given the built out, large lot condition of most of the area. They have confirmed that the amendments prepared by the project consultant and county staff specific to land use and natural resource changes would address community planning requirements of Title 11 and residential capacity and density requirements for the overall South Cooper Mountain Concept Plan area can be met. This option is therefore their preferred choice for future land use changes in North Cooper Mountain.

Option 2: Apply a new low density land use designation to the entire North Cooper Mountain area.

This option would essentially 'lock in' the existing land use condition through the permanent creation of a new one-acre district for the entire area. With this option, the residential development pattern throughout North Cooper Mountain would be unlikely to change for many years.

The proposed density standards of this district (an average of no more than 1 dwelling unit /acre and no less than one dwelling unit/two acres) would constrain future infill and make redevelopment difficult. Residents of the northern third who wish to redevelop would be averse to this option and could argue the right to redevelop their properties, given Metro and county policies that call for permanent urban zoning for areas within the UGB that allow for redevelopment.

¹ CFP Plan Policies 13, 16, 41, and 44.

Applying this option may necessitate modifying county plan policies that guide urban development county-wide, specifically policy language that implements the requirements of Title 11. In particular, both Policy 18 and 40 of the County's Comprehensive Framework Plan note that land will remain FD-20 until "*the planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment.*" Implementing Strategy B and D of Plan Policy 43 states that the county will "*comply with regional requirements for planning new urban areas, as provided under Title 11*" and "*should be consistent with the applicable Concept Plan...*".

Applying a one-acre land use designation to areas that could otherwise support urban densities would create county precedent for new UGB areas such as Bonny Slope West (Area 93) and existing urban reserves yet to undergo community planning. Metro staff has indicated that this is their least preferred option of those presented in this Issue Paper.

Option 3: Retain the existing FD-20 land use designation for all of North Cooper Mountain until the area is annexed by Beaverton.

Standards of the FD-20 District are consistent with Metro Title 11 requirements that facilitate the transition from rural to urban uses and the efficacy of planning that transition. Examples of these requirements include restrictions on lot partitions below 20 acres and the requirement that new permitted uses be constructed in a manner that does not encumber future planning for urban densities and uses. These requirements are reflected in the Plan Policies noted above and in the FD-20 District standards found in Section 308 of the Community Development Code.

The FD-20 is an urban 'holding' zone until community planning can be completed, typically by the city expected to annex the area. A recent example of this process is the 1,400-acre South Hillsboro Planning Area. Metro included the area in the UGB in 2011 and the county applied the FD-20 designation in 2014 through A-Engrossed Ordinance No. 785. The FD-20 designation will remain on properties within the area until the city annexes land and applies city zoning.

When there is no adjacent city to plan new urban areas, the county is responsible for concept and community plans for these areas. This was the situation in North Bethany, North Cooper Mountain and recently Bonny Slope West (Area 93). Each of these areas came into the UGB in 2002. House Bill 3067 transferred Area 93 from Multnomah County to Washington County in 2013 and the FD-20 was applied to the area soon after, through A-Engrossed Ordinance No. 775. Community planning is currently underway and future permanent zone changes are expected to become effective in 2015. The FD-20 was applied to North Bethany and North Cooper Mountain in 2004. The county completed the North Bethany Concept Plan in 2009 and permanent land use designations were applied by the end of 2011. Residential development applications are currently under county review.

Comprehensive community planning was never undertaken for North Cooper Mountain and the FD-20 land use designation remains in place. The typical course of events would be to complete community planning and apply urban land use designations in the area. There is no county precedent for leaving the FD-20 designation in place once concept planning for an area has occurred.

North Cooper Mountain is many years away from future annexation by Beaverton, with the nearest city boundary almost one mile to the east. The expectation is that if and when future annexation of North Cooper Mountain happens, it will occur from the south, once the Urban Reserve is brought into the UGB. Under this scenario, the Urban Reserve will need to undergo community planning and annexation by Beaverton before the city will annex North Cooper Mountain. There currently is no scheduled timeline for this to happen and it likely won't occur until development in the SCMAA is well underway or completed.

Leaving the FD-20 land use designation in place would maintain the status quo of the area. Partitions or property line adjustments resulting in a lot size less than 20 acres is only allowed for the provision of public facilities or services, such as sewer, schools, or parks. This is either unnecessary or impracticable for the North Cooper Mountain area. Because there are no lots over 20 acres in the area, land divisions would not occur under this designation. Property owners that do wish to develop would have the option of applying for a plan amendment to remove the FD-20 from their property, which would allow for redevelopment. Application for a plan amendment must show how the request meets applicable state land use goals, Metro's Functional Plan requirements, and county regulations. Plan amendments for interior properties would be difficult to approve if isolated 'islands' of unique land use designations would be created.

Since leaving the FD-20 would maintain existing conditions, this option may be a satisfactory outcome to existing residents of the northern third area that do not want any new redevelopment, since the creation of new lots under 20 acres is precluded. Residents wishing to redevelop would not support this option. This option also may not be a satisfactory outcome to the many residents of the southern two-thirds area that have participated in the concept planning process with the aim to create a permanent one-acre minimum land use designation for their property and neighborhood.

Leaving the FD-20 land use designation in place is an option. However, the intent and policy of the FD-20 Land Use District as noted in Section 308-1 of the Community Development Code is that this designation act as a 'holding zone' for efficient urban planning and development. This is supported by Plan Policies 18, 41, and 43 of the Comprehensive Framework Plan, as noted above. Now that concept planning has been completed and community planning has been initiated through the drafting of potential amendments to the Community Development Code and the Comprehensive Plan, the typical course of action would be to apply permanent urban land use designations to North Cooper Mountain. If the FD-20 District were to remain in place, it may be appropriate to broaden the intent and policy of the FD-20 District.

Staff Recommendation: *Upon deliberation of land use and natural resource options for North Cooper Mountain, provide direction to staff. Staff's preliminary recommendation is not to consider a land use ordinance in 2015. As part of next year's Work Program, staff recommends the Board consider any public input on the land use options and seriously consider leaving the area FD-20 as a holding zone until the area eventually annexes to Beaverton or until there is significant interest from property owners to develop.*

North Cooper Mountain – Natural Resource Considerations:

The Concept Plan identified two headwater streams of McKernan Creek and the headwaters of Johnson Creek as Tier 1 priorities for resource preservation (*labeled 12, 13, and 4 in Figure 7*). Tier 1 resource priorities represent the best habitats within the planning area, as noted on page 52 of the Concept Plan. The McKernan Creek tributaries start in the southern portion of North Cooper Mountain and drain south. The headwaters of Johnson Creek originate in the northeast corner of the area and drain north. Only one of these headwaters (the west tributary to McKernan Creek) is included as a Significant Natural Resource on the county’s Goal 5 resource map. A 2013 biological assessment conducted as part of the concept planning effort recommended each of these three tributaries be preserved for their resource value, based on their hydrologic function and wildlife habitat potential. Staff conducted field visits to each tributary and believes including the remaining two headwaters on the county Goal 5 inventory is warranted. If included on the county Goal 5 map, limitations on development within and near the resource found in Section 422 of the Community Development Code would apply.

Metro’s compliance with Statewide Land Use Goal 5 is addressed in Title 13 (“Nature in Neighborhoods”) of the Urban Growth Management Functional Plan. Each of the above headwaters is included on Title 13 inventory maps. In reviewing Metro Ordinance No.04-615B that brought North Cooper Mountain into the UGB staff found no explanation why the Johnson Creek headwaters and the McKernan Creek tributary east of Stonecreek Drive were not included on the county Goal 5 resource map.

Several residents raised concerns during the concept planning period about the need to protect riparian areas within the North Cooper Mountain area. A large-scale map showing these tributaries as possible protected streams was presented at the final two open house events. Staff has not received any negative feedback from residents about the potential to preserve these areas as Significant Natural Resources on county resource maps.

The Department of Land Conservation and Development and Metro have each confirmed that a comprehensive evaluation to determine the suitability of adding these resources to the county natural resource map is not required given their inclusion on current Title 13 resource maps.

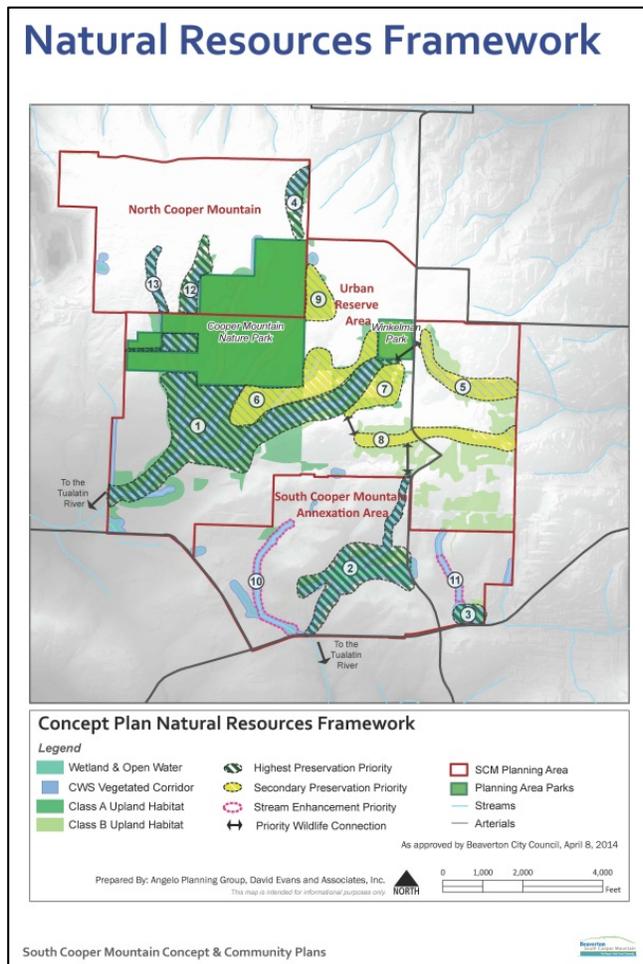


Figure 7

Staff Recommendation: *Staff recommends that, if directed by the Board to complete future ordinance development for North Cooper Mountain, staff contact relevant property owners to gauge interest in (or resistance to) adding riparian areas on their property to the county resource map.*

Urban Reserve:

The Urban Reserve is outside the UGB and between the SCMAA and North Cooper Mountain (*Figure 1*). Protection and enhancement of natural resource attributes within the Urban Reserve was identified as a key consideration when future urban-level development for this area occurs. The Concept Plan recommends that new development in roughly half of the 1,232-acre Urban Reserve be limited along riparian corridors and their associated uplands. Transitional boundaries between identified resources and future development are recommended. Less constrained areas of the Urban Reserve are proposed for a mix of compact neighborhoods and lower density single-family neighborhoods, with low residential density adjacent to Kemmer Road, the Cooper Mountain Nature Park and other natural areas. Higher densities are called for east of 175th Avenue.

Because the area is outside the UGB, additional planning beyond what was developed in the Concept Plan is not required until the area is brought into the UGB. Beaverton, the county, and service providers will coordinate planning efforts at that time.

Summary

This issue paper, along with the associated Issue Paper 2105-01B, discusses South Cooper Mountain Concept Plan recommendations specific to Washington County. The Concept Plan informed the development of the SCMAA Community Plan and will serve as a guide for more detailed community planning of the Urban Reserve, when and if that area is brought into the UGB. Beaverton and the county will coordinate planning for the Urban Reserve at that time.

This Issue Paper lays out three options for the Board on how to address land use issues for North Cooper Mountain. As noted, staff's preliminary recommendation is not to consider a land use ordinance in 2015. As part of next year's Work Program, staff recommends the Board consider any public input on the land use options and seriously consider leaving the area FD-20 as a holding zone until the area eventually annexes to Beaverton or until there is significant interest from property owners to develop.